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B.M.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**FIRST CLASS MAIL CERTIFICATE**

I hereby certify that I am mailing the attached documents to the Commissioner for Patents on the date specified, in an envelope addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, and First Class Mailed under the provisions of 37 CFR 1.8.

Candace White

Candace White

August 25, 2004  
Date of Mailing

## **INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §1.56, the attention of the Patent and Trademark Office is hereby directed to the reference(s) listed on the attached PTO-1449. One copy of each reference is attached. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the reference(s) be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

1. This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No certification or fee is required.

2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.

a. I hereby certify that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. §1.97(e)(1).

b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. §1.97(e)(2).

c. Attached is our Credit Card Payment Form in the amount of \$180.00 in payment of the fee under 37 C.F.R. §1.17(p). Please credit or debit Deposit Account No. 08-3284 as needed to ensure consideration of the disclosed information. Two duplicate copies of this paper are attached.

3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Applicant(s) hereby petition(s) that the Information Disclosure Statement be considered. Attached is our check no. \_\_\_\_\_ in the amount of \$180.00 in payment of the petition fee under 37 C.F.R. §1.17(p). Please credit or debit Deposit Account No. \_\_\_\_\_ as needed to ensure consideration of the disclosed information. Two duplicate copies of this paper are attached.

a. I hereby certify that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. §1.97(e)(1).

b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. §1.97(e)(2).

Respectfully submitted,

  
Marianne Fuierer  
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Attorney for Applicants

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**INFORMATION  
DISCLOSURE STATEMENT  
BY APPLICANT**

Sheet 1 of 1

<i>COMPLETE IF KNOWN</i>	
Application Number	09/831,794
Filing Date	August 3, 2001
First Named Inventor	WAGENER, Christoph
Art Unit	1642
Examiner Name	Helms, Larry Ronald
Attorney Docket Number	4121-124-RCE2

**NON-PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No.	Include name of the author (in CAPITOL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
	AA	KERBEL, Robert S. "A cancer therapy resistant to resistance." Nature, (1997), Vol. 390, pp. 335-336.	
	AB	BOEHM, Thomas, et al. "Antiangiogenic therapy of experimental cancer does not induce acquired drug resistance." Nature, (1997), Vol. 390, pp. 404-407.	

Examiner signature		Date Considered
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\*Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

<sup>2</sup> Applicant is to place a check mark here if English Translation is attached. All the foreign patents and publications that are not written in English language are accompanied by their respective English abstracts, which constitute concise explanation of relevance of the non-English patents and publications that satisfy the requirements of 37 C.F.R. §1.98(a)(3)(i), according to MPEP 609 III A(3).